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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

UNITED STATES OF AMERICA,

Case No.: 2:21-cv-02391-WBS-DMC

**STIPULATION AND ORDER TO AMEND  
SCHEDULING ORDER**

vs.

MARBLE MOUNTAIN RANCH, INC.;  
DOUGLAS T. COLE; HEIDI A. COLE;  
NORMAN D. COLE; and CAROLYN T.  
COLE,

**Defendants.**

26 Plaintiff United States of America and defendants Marble  
27 Mountain Ranch, Inc., Douglas T. Cole, Heidi A. Cole, Norman D.  
28 Cole, and Carolyn T. Cole stipulate as follows:

1       1. On April 21, 2022 the Court entered a Scheduling Order  
2 (ECF 14) which set the following dates:

3           Initial Disclosures	May 4, 2022
4           Expert Disclosures	December 27, 2022
5           Rebuttal Expert Disclosures	January 27, 2023
6           Close of All Discovery/Discovery Motions	February 27, 2023
7           Last Day to File Motions	April 17, 2023
8           Final Pretrial Conference	June 20, 2023
9           Trial	August 15, 2023

10       2. Since entry of the Scheduling Order, Summer Smith, the  
11 attorney who had been representing defendants has left Bullivant  
12 Houser Bailey PC and has been replaced by Andrew B. Downs of  
13 that firm.

14       3. Mr. Downs has conflicts with both the trial date and  
15 the Pretrial conference, to wit:

16           a. Mr. Downs' youngest daughter is scheduled to  
17 graduate from the University of St. Andrews in Scotland, on June  
18 15, 2023 and plans have already been made for a family vacation  
19 abroad which will run through July 5, 2023.

20           b. Mr. Downs is double set for trial in Orange  
21 County Superior Court (*Renee Mascolo v. The Hartford*, No. 30-  
22 2021-01237285-CU-BC-CJC) and Napa County Superior Court  
23 (*Calistoga Ranch Owner, LLC, et al. v. AIG Specialty Insurance*  
24 *Company, et al.*, No. 21CV001530) on August 14, 2023.

25       4. The parties have been actively engaged in discovery,  
26 including a site inspection on November 30, 2022, and  
27 depositions are set in early January.

28

1       5. The parties believe an extension of approximately 30  
2 days of the current deadlines is in the interest of justice and  
3 will not materially delay the conclusion of this matter. The  
4 parties propose the following schedule:

	Current Date	Proposed Date
Initial Disclosures	May 4, 2022	No change
Expert Disclosures	December 27, 2022	January 27, 2023
Rebuttal Expert Disclosures	January 27, 2023	February 27, 2023
Close of All Discovery/Discovery Motions	February 27, 2023	March 27, 2023
Last Day to File Motions	April 17, 2023	May 15, 2023
Final Pretrial Conference	June 20, 2023	July 18, 2023
Trial	August 15, 2023	September 19, 2023
DATED: December 8, 2022		

BULLIVANT Houser Bailey PC

By /s/ Andrew B. Downs  
Andrew B. Downs

Attorneys for Defendants Marble  
Mountain Ranch, Inc., Douglas T.  
Cole, Heidi A. Cole, Norman D.  
Cole, Carolyn T. Cole

DATED: December 9, 2022

PHILLIP A. TALBERT  
United States Attorney

By /s/ Emilia P. E. Morris\* (\*ABD)  
Emilia P. E. Morris  
Assistant United States  
Attorney

Attorneys for Plaintiff United  
States of America

**ORDER**

Good cause appearing, and the parties having stipulated,

IT IS HEREBY ORDERED that the Scheduling Order (ECF 14) is modified as follows:

	Current Date	Proposed Date
Initial Disclosures	May 4, 2022	No change
Expert Disclosures	December 27, 2022	January 27, 2023
Rebuttal Expert Disclosures	January 27, 2023	February 27, 2023
Close of All Discovery/Discovery Motions	February 27, 2023	March 27, 2023
Last Day to File Motions	April 17, 2023	May 15, 2023
Final Pretrial Conference (1:30 p.m.)	June 20, 2023	<b>July 17, 2023</b>
Trial (9:00 a.m.)	August 15, 2023	<b>September 19, 2023</b>

IT IS SO ORDERED.

Dated: December 9, 2022

  
**WILLIAM B. SHUBB**  
**UNITED STATES DISTRICT JUDGE**